

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of B.O., T.O., W.O. and N.O., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

REGINA OSBON,

Respondent-Appellant,

and

JAMES BENJAMIN, JOHN WILLIAMS and
RAYMOND ALLEN,

Respondents.

UNPUBLISHED

July 2, 2002

No. 237713

St. Clair Circuit Court

Family Division

LC No. 98-004709-NA

Before: Hood, P.J., and Saad and E. M. Thomas,* JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Initially, we conclude that the trial court's failure to issue its decision within seventy days of the termination hearing, as prescribed by MCR 5.974(G)(1) and MCL 712A.19b(1), does not require reversal. This sanction is inconsistent with the express language of MCL 712A.19b(1) which provides that "the court's failure to issue an opinion within 70 days does not dismiss the petition." Further, we hesitate to impose a sanction that the Legislature and Supreme Court declined to impose. *Cf. In re Jackson*, 199 Mich App 22, 28-29; 501 NW2d 182 (1993).

Next, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further the evidence did not show that termination of

* Circuit judge, sitting on the Court of Appeals by assignment.

respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to her children.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas